

Industrial Court Upholds Dismissal over Verbal Sexual Harassment

Introduction

The Industrial Court in **Camillius Casimir v Genting Malaysia Berhad** (Award No. 1615 of 2025) upheld the dismissal of a security guard who was dismissed for verbally sexually harassing a female employee.

Although the case revolved around a single formal charge of misconduct, the Court emphasised the seriousness of the behaviour, especially given the security guard's role and responsibility within the organization.

Facts of the case

The incident at the centre of the case involved the security guard ("the Claimant") asking a female employee ("the said female employee"): "*Amoi, makan hot dog ya?*" ("Young girl, eating hot dog, right?") at the breakfast area.

The Claimant did not dispute that he had uttered the impugned words towards the said female employee, alleging that he was innocently inquiring as to whether she had taken the grilled sausage, aka, hotdog, and that there was nothing sinister in his question or remark to the said female employee.

Genting Malaysia Berhad's ("the Company") position was that the Claimant's impugned words to the said female employee contained sexual overtones, in that the word "*hotdog*" in the context of the Claimant's conversation with the said female employee referred to the male genitalia.

During the investigation interview, the said female employee testified that she felt uncomfortable and disgusted with the Claimant's remarks, especially where it was coupled with the Claimant's lewd facial expression.

Whilst the Claimant contended that the impugned words and the circumstance in which it was uttered (it was breakfast time and grilled sausage was indeed served on that day) were innocuous and innocent, the Court found that the Claimant's answers during the investigation interview painted a

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completely different perspective and context in which he made the remarks to the said female employee.

The Claimant had informed the Company's investigators: "*Saya cuba menegurnya kerana minat melihat dia*" ("I tried to talk to her because I was interested in her").

Decision of the Industrial Court

The Industrial Court reaffirmed that the test in sexual harassment cases is whether the sexual conduct complained of is unsolicited or unreciprocated by the victim/recipient. Further, although the charge against the Claimant contained only one allegation — the "*hotdog*" remark — the Court took into consideration evidence of the Claimant's pattern of conduct towards other female staff in the Company whereby he had been preying on some of these female staff with making remarks containing sexual overtones or innuendo.

The Court ruled that the reason operating in the mind of the Company when they dismissed the Claimant from employment was that he had been guilty of a serious act of misconduct, that is, sexual harassment. As such, any evidence that further fortifies the Claimant's alleged act of sexual harassment towards other female staff in the Company would be admissible.

A key factor in the Court's ruling was the Claimant's position. As a security guard, the Claimant was entrusted with the responsibility of ensuring a safe working environment for the Company's employees, besides ensuring the safety of the premises for the customers of the Company. By engaging in conduct that created discomfort and undermined the sense of safety in some of the female employees, the Claimant had destroyed the trust and confidence reposed in him by the Company.

The Industrial Court expressly recognised that verbal innuendo — even when phrased indirectly or framed as casual conversation — can amount to sexual harassment. By affirming that such behaviour constitutes serious misconduct, the decision aligns industrial jurisprudence with modern expectations of workplace safety — where protecting employees from sexual harassment is an essential component of a safe and respectful working environment. The Industrial Court's decision further reaffirms that employers have the right to act decisively to preserve a safe workplace.

Genting Malaysia Berhad was represented by [Jamie Goh](#) and [Peter H. Santiago](#) from our [Employment & Industrial Relations Practice Area](#).

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